

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<p>INSITUFORM TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AMERICAN HOME ASSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CASE NO. 04-10487 GAO</p>
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**AMERICAN HOME ASSURANCE COMPANY’S OPPOSITION TO  
PLAINTIFF’S CROSS-MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56 and the Local Rules of this Court, defendant American Home Assurance Company (“American Home”) hereby opposes Plaintiff’s Cross-Motion for Summary Judgment. In support of its Opposition, American Home relies on American Home’s Response to Plaintiff Insituform Technologies, Inc.’s (“Insituform’s”) Local Rule 56.1 Response to American Home’s Statement of Undisputed Facts and Insituform’s Additional Undisputed Material Facts, American Home’s Memorandum in Opposition to Plaintiff’s Cross-Motion for Summary Judgment and in Further Support of Its Motion for Summary Judgment, the Affidavit of Gregory P. Deschenes, and the Affidavit of Kurt M. Mullen, all filed herewith and incorporated herein by reference. In further support of its Opposition, American Home relies on its Memorandum in Support of its Motion for Summary Judgment and its Statement of Undisputed Facts, both filed on August 24, 2006.

WHEREFORE, American Home requests that the Court:

1. Grant its Motion for Summary Judgment;
2. Deny Plaintiff's Cross-Motion for Summary Judgment;
3. Enter judgment dismissing the Complaint in its entirety; and
4. Grant such other further relief this Court deems just and appropriate.

AMERICAN HOME ASSURANCE COMPANY,

By its attorneys,

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Dated: September 21, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on September 21, 2006 and upon all parties registered for electronic notification via the Court's electronic filing system.

/s/ Gregory P. Deschenes  
Gregory P. Deschenes